IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIFTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 482 of 2005

Between:

Sri Cultural Association (Society Reg. No.118/03),

rep by President G.Nageswara Rao,
D.No.69-5-8,Sarpavaram Junction, Kakinada,
East Godavari Dist.

... PETITIONER

AND

1 The Superintendent of Police, Kakinada, E.G.District.
2 The Deputy Superintendent of Police, Kakinada, E.G.District.
3 The Circle Inspector of Police, Kakinada Rural, E.G.District.
4 The Sub- Inspector of Police, Sarpavaram Junction Police

Station, Kakinada,E.G.District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of Mandamus or any other appropriate writ, order or direction declaring the action of the respondents in interfering with the lawful activities of the petitioner club, including playing of Rummy Game of 13 cards which is not a Game of Chance, in the Card Room of the petitioner's premises, as illegal, arbitrary and without jurisdiction.

Counsel for the Petitioner: MR.T.NIRANJAN REDDY

Counsel for the Respondents: GP FOR HOME

The Court at the admission stage made the following :

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O R D E R:

Petitioner is a registered cultural association (club). Its grievance is that the respondents are interfering with its activities and preventing its members from playing rummy with stakes or in syndicate.

Learned counsel for the petitioner submits that in ***State of A.P. v. K. Satyanarayana***, the Supreme Court held that rummy with 13 cards is not a game of choice and it is a game of skill. He contends that Sections 3 and 4 of the A.P. Gaming Act, 1974 (for short "the Act") do not apply to such game, and it falls within the meaning of game of 'mere skill' under Section 15 of the Act.

Learned Government Pleader for Home, on the other hand, submits that under the guise of playing the game of rummy, the members of the petitioner are resorting to three cards play, which is purely the one of choice.

As part of its activities, the petitioner is maintaining a card room. It is stated that the members of the petitioner club are playing only the 13 card rummy, sometimes with stakes and sometimes in syndicate. In view of the Judgment of the Supreme Court referred to above, the respondents cannot interfere with the playing of rummy by the members of the petitioner. However, if it is noticed that the members of the petitioner are playing any game of choice, including the one with three cards, steps can certainly be taken in accordance with law to prohibit and penalize such activities.

Hence, the writ petition is disposed of directing that the respondents shall not interfere with the lawful activities of the members of the petitioner, namely, playing of rummy with 13 cards with stakes or in syndicate and in case, they are found to be playing any other game of skill, it shall be open to the respondents to take such action as is open to them in law. It is also made clear that under the guise of causing inspection, the officials or advocate-commissioners shall not be posted and the activities of the club cannot be crippled. No order as to costs.

25th January, 2005

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To

1 The Superintendent of Police, Kakinada, E.G.District.
2 The Deputy Superintendent of Police, Kakinada, E.G.District.
3 The Circle Inspector of Police, Kakinada Rural, E.G.District.
4 The Sub- Inspector of Police, Sarpavaram Junction Police

Station, Kakinada, E.G.District.

5 Two C.Cs to the Govt.Pleader for Home,

High Court building, Hyderabad (OUT).

6 Two C.D.copies.